JEAN BAPTISTE LEMOYNE DE BIENVILLE

# Records of French Rule in American Territory

*A LAND rich in archives is a land rich in memories; and remembrance is the anchor of the state. Love of country, pride of country, faith in country, make heroes of that country's children.*

*In constitution, laws and race, a people are the succession of the institutions and the race preceding them. To know a people, one must know their ancestry; and to understand their institutions, one must understand their origins.—Extract from the speech of Henry P. Dart, of New Orleans, which resulted in the permanent preservation of 200 years of written history.*

# *Unpacking History*

## How the History of Life in Louisiana Territory Is Being Put Into American English for the Future Generations

### By HARRY H. DUNN

DOWN in old New Orleans, in that part of the city platted by the first of the French adventurers to enter the Lower Mississippi Valley, stands a square, brick-and-concrete building, known as the *Cabildo*, a relic of the Spanish régime in America. In that Cabildo, fronting on the historic Place d'Armes, once the center of life of La Nouvelle Orleans, lie 108 black iron chests, not unlike the chests over which the stage guards rested their rifles and their lives on western express routes of a little more than half a century ago. In these 108 black iron chests in the brick-and-concrete Cabildo, in the heart of ancient New Orleans, lie the only existent records of that vast area first known as the territory of Orleans, and later and more widely as the Louisiana Territory.

These records, written by hand in ink still as brilliant as the day it was penned, but on parchment and paper which is fast crumbling to dust, cover the period of French and Spanish domination, from 1699 to 1803; the territorial era, from 1803 to 1812, and the period of statehood, from 1812, with its gayly-flourished script, down to the prosaic, typewritten documents of today. In the French records lie the history of every Creole family in New Orleans; the story of every crime, from the theft of a bit of ribbon from a girl's hair while she walked in the Place d'Armes, to the murder of an official of the government; the record of every transaction, from the sale of a landing place on the river, to the freeing of a slave who had served his master 23 years; and often the "plain and simple annals of the poor," such as an order, issued by no less a personage than Jean Baptiste LeMoyne de Bienville, founder of La Nouvelle Orleans, to one plantation owner, directing him to deliver a "female Negro in good condition of health and body to her husband. . . . . since the man has worked seven years without pay, on the understanding that the woman is to be his at the end of that period." Thus does the story of Rachel and Jacob again leap to life from yellowed pages, scarred with ink made from the cuttlefishes of the Great Gulf a few miles away.

But all this detail of the life of more than two centuries past has been of little use to the world since Louisiana Territory became a part of the United States. The 108 iron chests have been stolen and returned, lost and found, once carried as far away as Illinois, during the Civil War—and yet, as if guided by some almost providential hand, they have been returned each time, until they found permanent resting place in the Cabildo, under the care of the Louisiana State Museum. Ever since the writing of the first volume, in 1699, these writings of the French and Spanish rulers of America have been waiting in silence, shut off from American students and historians, not only because they are written in foreign languages, but because the parchment on which they are written is so fragile that it can be handled only with the greatest care, and written in such old forms of both French and Spanish that only the rarest of translators—those born to both languages and equally familiar with English—can be depended upon to translate and transcribe them accurately.

But in these 108 iron chests are the detailed daily lives of the people of the Louisiana Territory of two centuries ago, such detail as is found in no other history in the world, detail which devotes a 60-page, handwritten pamphlet to the passing on——called "succession"——of the DeGruy estate, the DeGruys having been for a century and a half one of the leading families of the territory. Now, today, all this is being translated, word by word and line by line, and set down in typewritten English, to be published in book form and to be preserved forever as a vast storehouse—the only one in the world—of the life and actions of the handful of dwellers on the edge of the wilderness of the Mississippi Valley, the founders of an empire which eventually became a part of these United States.

The translation and transcription is being paid for by a resident of New Orleans, who has not allowed his name to be made public, and the cost runs high among five figures. The work is being done by two women, daughters of old Creole families of New Orleans, each born to Spanish, French and English—Miss Laura Porteous translating the Spanish documents, and Mrs. Heloise Hulze Cruzat, the French papers. Unfortunately, the Spaniard was not so immersed in detail as the Frenchman; consequently, the records of Spanish domination are by no means so voluminous, so detailed, or so clear as those of the French régime. The Cabildo, or advisory council to the Spanish governor, did not possess the authority held by the Superior Council which advised and aided the French governors. As a result, some of the Spanish governors, confronted with a court of inquiry in Madrid seeking information as to their acts in New Spain, either destroyed their records, or carried them back to the mother country, where they were lost.

With the passing of the Spaniard, the Frenchman came again, and, though Napoleon's representative, Colonel Prefect Laussat, had possession of Louisiana for only 20 days, awaiting the arrival of the agents of President Jefferson, he established a number of laws, and opened some problems in government which puzzled Jefferson and his agents, and all of which have not been settled even to this day. Racial, governmental and political questions arose when Louisiana came in as a territory of the United States, and, as a result, large numbers of the records of the French and Spanish periods were scattered all over the state, and many of them lost forever. Funds have been provided, by the same person who is paying for the translation, and a nation-wide search is now going on for these early records of the Louisiana Territory.

In them is told the verbose but tremendously interesting and important story of the slow operation of the legal and social machinery whereby French and Spanish people of Louisiana and their descendants became acquainted with and accustomed to American ideals of democracy and liberty; how they grew into American habits and customs; how they came to obey, even though they did not clearly understand, American laws and methods of justice; how they were weaned, and this was slowest of all, for the process is not even yet complete in New Orleans, from the languages of their childhood. Histories of that time tell of political happenings, but there is almost nothing printed concerning the domestic and social life of the period. Possibly these documents are lost for all time, but that the remaining 108 boxes never will be lost is now being made certain by two women, working every day over a long table down in the Louisiana State Museum, where once was housed the Cabildo of New Spain.

One of the most important discoveries made among these records is that, while it always has been believed that the Louisiana Territory when held by the French, was governed by the laws of France, and, while ruled by the Spaniards, governed by the laws of Spain, as a matter of fact, there grew up in this section a civil law entirely different in its basic principles, as well as in its application, from the laws of either one of the mother countries on the other side of the Atlantic. Louisiana even today follows some of the antiquated customs and forms then established in her judicial procedure, and her laws of 1921 reflect in no small degree those of 1700, especially in regard to matters concerning the family. In the days of the French and Spanish governors, laws were promulgated, as they are largely in the Latin-American republics today, by the posting of "decretos" in public places, but, prior to this posting, they were required to be written into the record books, and, after being written there by the "escrivenors" to be signed by the governor and his "commissaire ordenneur," with their great seals attached. Likewise the humblest act which came before any court of the colony, or was put up to the governor or to any of his deputies, had to be so written into these books. These form the contents of the 108 chests now being translated. Often the laws and legal proceedings of this colony of a few thousand souls for a year is greater in volume, even when translated and typewritten, than the proceedings of our national Congress for a session, representing more than 100,000,000 people. Thus it would seem that the territory was overburdened with laws, and over-eager to involve itself in lawsuits. It is estimated that at least five years will be required in the translation, possibly an even longer time will be needed, and steps are now being taken to add other translators to the work, if competent persons can be found, familiar with the ancient French and Spanish idioms and the old forms of writing.

So far—and the work was begun nearly one year ago—only three boxes have been opened and translated, the third being not quite completed. So expert have the translators become that they can take one of these old books, bound in heavy slabs of pig-skin, the pages fastened together with lacings of deerskin thongs, and handle the pages, stiff and brittle with age, until all has been translated, and not even a flake of the paper fallen from a sheet. Sometimes, where holes mar the pages, they must reconstruct sentences, in whole or in part, but so familiar have they become with the wording, the customs and the habits of thought of the "escrivenors" of two centuries past, that these two little women of the twentieth century write on and on and on, just as if nothing were missing from the flourished page before them.

And the most interesting part of all this translation which one day will be open to the world, is not the legal formulas, the orders of the courts, and the pronunciamientos of the governors of the territory. Seen through the veil of years in a glamour of history that is half tradition, it becomes rather hard to remember that these Louisianians of 1699 were merely human men and women, living lives of joy and sorrow, happiness and misery, prosperity and want. But it is as human beings that they live again their daily lives in these records. For instance:

The first marriage contract bears the signature of no less a personage than Jean Baptiste LeMoyne de Bienville, founder of La Nouvelle Orleans, with his great red seal, and likewise the three-palms, all gold, of the commissaire, Salmon. Romance breathes through its legal phraseology, for it tells of the marriage of Louis Menard, an orphan, with Catherine Marchand, also an orphan, both reared in the convent of the Ursuline nuns. A novel might be written on the story of these two parentless lovers, exiles in a tiny settlement on the verge of the wilderness, and brought together by the brave religieuses who dared untold dangers to spread their faith in the new land.

Indeed, the ancestors of many of the present-day dwellers in the land of the Creole and the 'Cadien were firm believers in marriage, for the records of both French and Spanish governors are filled with the "conventions" of marriage, remarriage and re-remarriage, to the third and fourth time. The men apparently lived longer—and thus married more frequently—than did the women in the territory of Louisiana. Under the petition for remarriage, the widow as well as the widower were involved, and it becomes plain that many of the men who remarried, chose widows for their second mates. It was a time of large families, and the records are full of long legal processes involving the division of property between "thy children, my children and our children."